IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 797 of 2005

Between:

M/s. Indian Metals & Ferro Alloys Ltd. A Company Incorporated

Under the Provision of Companies
Act, 1956, having its Regd. Office at Bomikhal, P.O. Rasulgarh,

Bhubaneswar-751 010, Orissa State, And
Factory at Therubali, Rayagada District, Orissa State, Rep. by its

Asst. Manager (S&D), Mr. S.N. Sarangi

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise, Andhra Pradesh,

Hyderabad.
2 The Prohibition and Excise Superintendent, Vizianagaram District at

Vizianagaram.
3 NCS Sugars Ltd., Factory at Lachayyapeta - 533 573, Sitanagaram

Mandal, Via, Bobbili, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring that the Respondents-1 and 2 have no jurisdiction to cause any restriction on the transport of Molasses by the petitioner from Andhra Pradesh State to any other place in the other States in India as such

restriction is illegal and without jurisdiction apart from being violative of Article 19(1)(g) of the Constitution of India.

Counsel for the Petitioner:MR.E.MARUTHI RAJA

Counsel for the Respondents No.1 and 2: GP FOR PROHIBITION & EXCISE

Counsel for Respondent No.3 : None appeared

The Court at the stage of admission made the following ORDER:

Petitioner claims to be an industry, undertaking manufacture of chrome and other related products. Molasses is said to be one of the raw materials used in the manufacture of the said products. The complaint of the petitioner is that the respondents are insisting on obtaining permits for transporting the molasses. The petitioner contends that according to the existing legal reigns, there is no necessity to obtain permits or licenses for transporting the molasses.

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition & Excise.

The necessity to obtain licence or transport permit for possessing or transporting molasses was considered by this Court in M/s Gauri Industries (Manufacturers of Rectified Spirit) v. Commissioner of Prohibition & Excise, Andhra Pradesh (W.P.No.8136 of 2004), which, in turn, followed certain Judgments of the Division Bench. It was held therein that no permit is needed for transporting the molasses under valid purchase bills. A rider was added to the effect that in case the molasses is used for manufacture of any illicit liquor or for other unauthorized purposes, it can certainly be seized.

Following the same, this writ petition is disposed of directing that-

a. Respondents 1 and 2 shall not interfere with the transport of the molasses by the petitioner as long as it is meant for manufacture of any produce, which is not prohibited by law;

b. The petitioner shall not be entitled to use the molasses so transported for manufacture of the illicit liquor or other products prohibited by law; and

c. There shall be no order as to costs.

27.01.2005

ksld

To

1 The Commissioner of Prohibition and Excise, A.P., Hyderabad.
2 the Prohibition and Excise Superintendent, Vizianagaram District at

Vizianagaram.
3 Two CCs. to the G.P. for Prohibition & Excise, High Court of A.P.,

Hyderabad (OUT).

4 Two CD copies.